

1982 WL 189316 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 9, 1982

*1 Mr. B. O. Thomason, Jr.
Chairman
South Carolina Public Service Commission Merit Selection Panel
Post Office Box 12444
Columbia, SC 29211

Dear Tommy:

You have requested an opinion from this Office as to whether the applications submitted to the Merit Selection Panel by persons seeking to be nominated as a candidate for election to the Public Service Commission are exempt from disclosure under the Freedom of Information Act. It is the opinion of this Office that the Panel may exempt such applications from disclosure under the Freedom of Information Act.

The application from seeks information from an applicant that is used by the Panel either to evaluate the applicant directly or else to permit further investigation of the applicant. By necessity some of that information sought is of a very personal nature. For example, the application form asks for the applicant's complete educational background, his work history since completing his education, details about his current employment, details about his family, and details about his health and health history including mental illness or alcoholism. In addition, the applicant must state what knowledge he has of any criminal investigations which he has been under or any disciplinary proceedings which he has been subject to. Thus it can be seen that much of the information sought is of a highly personal nature. The public disclosure of an entire application could properly be deemed an unreasonable invasion of the personal privacy of the applicant.

The Freedom of Information Act permits a public body to exempt from disclosure '[i]nformation of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy . . . ' § 30-4-40(a)(2), [Code of Laws of South Carolina](#), 1976 (as amended). This exemption is well recognized in the law. [Cooper v. Bales](#), 268 S.C. 306, 308 (1977); see [Columbia Packing Co., Inc. v. U. S. Dept. of Agriculture](#), 417 F.Supp. 651, 654 (C.D.Mass. 1976). It should be noted that the public would have the right to attend all public meetings of the Panel at which the applicants would be questioned concerning their applications. Thus for reasons stated above, the Panel may refuse to disclose the applications of persons seeking to be nominated for election to the Public Service Commission.

Sincerely yours,

David C. Eckstrom
Assistant Attorney General

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